

**LAKEWOOD VILLAGE TOWN COUNCIL**

**COUNCIL MEETING**

**NOVEMBER 9, 2017**

**Council Members:**

Dr. Mark Vargus, Mayor  
Ed Reed – Mayor Pro-Tem  
Clint Bushong  
Gary Newsome  
Dan Tantalo  
Elizabeth Shields

**Town Staff:**

Linda Asbell, TRMC, CMC, Town Secretary

**REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:05 p.m. on Thursday, November 9, 2017, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

**PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the Pledge of Allegiance

**MAYORAL STATEMENT:**

**(Agenda Item B)**

Mayor Vargus gave a statement regarding meeting decorum. Mayor Vargus reported that in 2007 the then Mayor received an attorney opinion stating that the law makes no provision for citizens to speak during a council meeting, the law only provides for citizens ability to speak during public hearings. The presiding officer can, however, allow for public comments. Mayor Vargus would like to engage citizens but the running commentary from the audience during the council meetings has become distracting. The council meets once per month and has limited time to accomplish tasks. Mayor Vargus reported that the council will follow the standard protocol used in other cities. Citizens will be allowed to speak for 3 minutes during public comments portion of the agenda about anything and during public hearings following the speaker protocol. Mayor Vargus stated that he is a professor and is used to engaging his students, the audience, but he will do a better job of facilitating the meetings so the council can get business accomplished and stay on point.

**VISITOR/CITIZENS FORUM:**

**(Agenda Item C)**

No one requested to speak.

**PUBLIC HEARING:**

**(Agenda Item D)**

A public hearing was held to provide an opportunity for citizens to comment on the proposed fence ordinance. Mayor Vargus reported that several years ago he and Councilman Bushong discussed holding a public hearing on any ordinance that has a penalty. Mayor Vargus opened the public hearing at 7:08 p.m. Mayor Vargus invited questions from the audience. No one requested to speak.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:08 pm. *The motion carried.*

**PUBLIC HEARING:**

**(Agenda Item E)**

A public hearing was held to provide an opportunity for citizens to comment on the proposed variance request for garage size and garage door setback at 418 Hillside Drive. Mayor Vargus opened the public hearing at 7:08 p.m. No one requested to speak.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Ed Reed, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:09 pm. *The motion carried.*

**CONSENT AGENDA:**

**(Agenda Item F)**

1. Engagement of Nabors CPA for Audit Services (Asbell)
2. Replat of 206 Highridge Drive (Asbell)
3. Minutes of October 12, 2017 Council Meeting (Asbell)

There was some discussion on a silent or non-vote being counted as an affirmative or “aye” vote.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilwoman Shields, council voted five (5) “ayes”, no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

**REGULAR AGENDA:**

**(Agenda Item G)**

**Councilmember's Related Party Disclosures  
– Required for Audit (Vargus)**

**(Agenda Item G.1)**

Town Secretary Linda Asbell distributed the disclosures. Mayor Vargus requested council complete the disclosures and returned them to Secretary Asbell before the end of the meeting.

**Variance Request for Garage Size and  
Garage Door Setback, 418 Hillside Drive  
(Asbell)**

**(Agenda Item G.2)**

Mayor Vargus introduced Mike Baalman, owner of 418 Hillside Drive. Mayor Vargus reported the lot size of 418 Hillside Drive is one-sixth of an acre and narrows significantly toward the back of the lot. Mr. Baalman reported that he cannot meet the requirements of zoning due to lot size. There was some discussion about the setback requirements for flatwork, as well as the side entry garage being slightly smaller than the minimum requirement. Mayor Vargus stated that he appreciates Mr. Baalman designing the house to have a side-entry garage in spite of the small and irregularly shaped lot.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted five (5) “ayes”, no (0) “nays” to approve a variance for garage size, garage door, and to allow the driveway to be placed no closer than one-foot off the property line. *The motion carried.*

**Consideration of Fence Ordinance (Vargus)**

**(Agenda Item G.3)**

Mayor Vargus reported that he incorporated Councilman Bushong’s recommendation to include a requirement that only new materials may be used. Council discussed adding “ornamental iron” to permitted materials. Mayor Vargus reported that the allowance for privacy fence for waterfront lots has been removed.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilwoman Shields, council voted four (4) “ayes”, one (1) “nays” (Tantalo) to approve the fence ordinance as discussed, adding “ornamental iron” to Section 3.1. *The motion carried.*

**Discussion of Impact Fee Report (Bushong)**

**(Agenda Item G.4)**

Councilman Bushong reported that Mr. Darrell West provided the committee comments to the council last month. Councilman Bushong reviewed the next steps for adopting the amended impact fees. Councilman Tantalo stated that he reviewed the notes of the council meeting July 13<sup>th</sup> the impact fees were proposed to be amended to cover the inclusion of the wells. Councilman Tantalo stated that it looks like the report has been completely rewritten. Councilman Tantalo stated that he asked the engineer for the net effect to the town and the engineer did not provide that information. Councilman Tantalo stated he wants to know why the impact fees were rewritten. Mayor Vargus explained there are two ways to calculate impact fees; one option is to include on-site equipment the other option is to exclude the on-site equipment. The previous impact fees were calculated with an inclusion of the on-site equipment. The Town Attorney reported that the town does not have to participate in the on-site equipment. The impact fees were recalculated to exclude the on-site equipment which will reduce the amount of burden to the tax payers of Lakewood Village. There was some discussion about the authorization of the tasking of the engineer and remaining funds available on the task to cover the amendment of the impact fees. There was some discussion about the budget and the reason the impact fees were amended.

**Consideration of Authorizing Expenditures  
for Road Repairs (Newsome)**

**(Agenda Item G.5)**

Mayor Vargus stated that there should be no more delays. There is some concern about the price of paving increasing in the near future due to the hurricane damage repairs beginning in south Texas. Mayor Vargus reported that the town has a good history with Walt's Paving. Councilman Tantalo asked how much money was in the budget and, if the sales tax money was moved out of the account and returned to the Municipal Development District. There was some discussion about.....

**MOTION:** A motion was made by Councilman Bushong to authorize \$25,000 with a 10% contingency.

There was some discussion about paving services provided by a different vendor. Councilman Newsome reviewed an overlay product that was quoted at a 43% higher rate than Walt's Paving. Councilwoman Shields stated that she wants the company to come out and verify the work was completed correctly.

**RETURN TO MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilwoman Shields, council voted four (4) "ayes", one (1) "nays" (Tantalo) to authorize \$25,000 with a 10% contingency for Walt's Paving to complete asphalt road repairs. *The motion carried.*

**Consideration of 2017-2018 Capital  
Improvements Projects (Vargus)**

**(Agenda Item G.6)**

Mayor Vargus reviewed the capital improvement projects previously discussed by council. Mayor Vargus reported that CoServ is currently replacing leaning and rotting poles and cleaning the lights in The Shores. There was some discussion about necessary improvements to the Carrie Lane lift station, and moving of equipment at the sewer plant to get ready for expansion. Mayor Vargus reported that the front door of town hall needs to be replaced to be compliant with accessibility requirements for a public building, and reported that drainage improvements are necessary at Peninsula and Shoreline. There was some discussion about a basketball half-court at Witt Park and fencing around the park at Town Hall. There was some discussion about asking for volunteers to install a vinyl three-rail fence around the park. Councilman Tantalo asked if multiple vendors have been contacted to ask for competitive pricing. There was some discussion about the legal requirements for bidding projects. Mayor Vargus reported on the status of the fire hydrant project. Mayor Vargus reported on the previous cost of repairs to the Stowe Lift station. There was some discussion about selection of contractors for projects. Councilman Tantalo requested completely project plans be provided. Mayor Pro-Tem Reed stated that larger cities have staff to prepare reports and prepare project plans, Lakewood Village needs the flexibility to handle projects differently due to the size of the town. Councilman Tantalo reported that vendors can provide the plans. Mayor Vargus reported that he presents numbers that are an educated guess for do-not-exceed costs. If, during the project, the costs get close to the do-not-exceed number Mayor Vargus will place the issue before council again. Mayor Vargus requested a motion to approve the capital projects as presented.

**MOTION:** Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Bushong, council voted three (3) “ayes”, two (2) “nays” (Tantalo, Shields) to approve the capital improvement as presented. *The motion carried.*

**Consideration of 2016-2017 Budget  
Amendment (Vargus)**

**(Agenda Item G.7)**

Mayor Vargus reported that the auditor does not focus on individual lines he looks at categories. Mayor Vargus reported that many of the lines in the budget are there for internal tracking purposes. Mayor Vargus reviewed General Fund revenues and expenses. Councilman Tantalo stated that law requires strict compliance with the budget. There was some discussion about budget line reimbursements. There was some discussion about using different formatting for budgets. Mayor Vargus reviewed Utility Fund revenues and expenses. Councilman Tantalo asked about spending over budget. Mayor Vargus reviewed the capital improvement expenditures and unanticipated expenditures due to equipment failures (clarifier, blower motor, lift station). Councilman Tantalo stated that the council should not approve a budget amendment

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after going over budget. There was some discussion about when the financials are officially closed for the fiscal year.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted three (3) “ayes”, two (0) “nays” (Tantalo, Shields) to approve the budget amendment as presented. *The motion carried.*

**EXECUTIVE SESSION:**

**(Agenda Item H)**

No executive session was held

**RECONVENE:**

**(Agenda Item I)**

**COUNCIL AND STAFF COMMENTS**

**(Agenda Item J)**

Councilwoman Shields reported that she and Councilman Bushong met with the City of Corinth finance director. The Finance Committee meeting was cancelled so they were able to meet one-on-one with the Finance Director. Shields will be following up with her to take advantage of some of the information provided.

Councilwoman Shields reported that the parks committee met on October 30<sup>th</sup>. The parks committee would like to partner with Mike Baalman when his foundation is poured at 418 Hillside to take advantage of pricing. Councilwoman Shields reported that the parks committee will be receiving quotes on pricing for hoops, lighting, and concrete and will bring that information to council.

Mayor Pro-Tem Reed, reported that Sheryl France has volunteered to help with the Dark Skies initiative. Mayor Pro-Tem Reed and Ms. France met and discussed possibility of partnering on the initiative. Mayor Pro-Tem Reed reported he is attempting to set up a meeting with the University of North Texas Astronomy Professor and has planned to contact Texas Women’s University. CoServ has provided some information about vendor who can provide lighting compliant with Dark Skies. Mayor Pro-Tem Reed reported on the number of poles straightened, and lighting fixtures repaired.

Councilman Newsome, reported on the very successful Halloween Hayride. This year had more children participate than in any previous year. Councilman Newsome thanked everyone that helped.

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Summer Alvis, reported that she often gets calls from CoServ for locates and she can provide that information to Mayor Pro-Tem Reed so he knows when they are in town.

Town Secretary Asbell reported that Christmas at Town Hall will be December 10<sup>th</sup> from 3pm – 5pm

Town Secretary Asbell reported that the Town Appreciation Dinner, will be held December 16<sup>th</sup> at 6PM. Invitations will be sent out to all volunteers who served on boards, contractors, and others who provided service to the town

**ADJOURNMENT**

**(Agenda Item I)**

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilwoman Shields council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 8:50 p.m. on Thursday, November 9, 2017. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 14th day of December 2017.

APPROVED

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Ed Reed  
MAYOR PRO-TEM

ATTEST:

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Linda Asbell, TRMC, CMC  
TOWN SECRETARY